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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,299	12/22/2000	Stephen Charles Appling	15555-0017	2628
29052	7590	02/06/2004		
SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309				
			EXAMINER BONSHOCK, DENNIS G	
			ART UNIT 2173	PAPER NUMBER 7

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,299

Applicant(s)

APPLING, STEPHEN CHARLES

Examiner

Dennis G Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8, and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 11-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 10 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment A as received on 11-12-2003.

2. Claims 1, 3-8, and 10-20 have been examined.

Status of Claims:

3. Claims 1, 3-5, 12, 13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Burch et al. in System and Method for Creating an Online Table from a Layout of Objects, Patent Number 6,088,708, hereinafter Burch.

4. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Brobst et al., Apparatus and Method For Formatting a Web Page, Patent Number 6,061,700.

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora. Method and Apparatus for Implementing Web Pages Having Master Borders, Patent Number 6,311,196.

6. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora, supra and Cowart, Windows 3.1, Special Edition, hereinafter Cowart. Burch teaches the website with the look and feel of an application program.

7. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora, supra and Arquie.

8. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch.

9. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch supra and Brobst. Brooks teaches the ability to transmit a web pages to web browsers for display.

10. Claims 10 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 2 and 9 have been withdrawn from consideration, in response to the applicant canceling the claims.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 3-5, 12, 13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Burch et al. in System and Method for Creating an Online Table from a Layout of Objects, Patent Number 6,088,708, hereinafter Burch. As in claim 1, with regard to the website looking and feeling like an application program, see column 3, line 38 of Burch. With regard to the plurality of border cells, see column 25, line 37 of Burch. With regard to the center cell including an inline frame, see col. 29, line 19 of Burch. With regard to border cells that include border images, see column 29, line 62 and column 30, line 10 of Burch. With regard to the content webpage being displayed entirely within the inline frame, see column 24, lines 49-67. With regard to the number

of border cells surrounding the inline frame remaining fixed, see column 25, lines 37-55 and figures 14B and 14C. As in claim 3, with regard to the border being a 4-sided border, see column 29, line 62 and column 30, line 10 of Burch. As in claim 4, with regard to the table and cells being invisible when the border webpage is displayed, see column 30, line 27 of Burch. As in claim 5, with regard to the 8 border cells, see figure 12B, which is referred to by column 25, line 63 of Burch. With regard to each border cell holding an image, see column 25, line 45 of Burch. As in claim 12, with regards to the website looking and feeling like an application program, see claim 35(a). With regards to there being a processor for executing a web browser, see column 33, line 3. With regards to there being an input device, see column 33, line 4. With regards to there being a plurality of border cells, see column 29, line 62 and column 30, line 10. With regards to there being a center cell, see column 29, line 19. With regards to there being a content webpage displayed in an inline frame, see column 29, line 23. With regard to the content webpage being displayed entirely within the inline frame, see column 24, lines 49-67. With regard to the number of border cells surrounding the inline frame remaining fixed, see column 25, lines 37-55 and figures 14B and 14C. As in claim 13, with regards to a 4-sided border, see column 29, line 62 and column 30, line 10 of Burch. With regards to there being a table and cells that are invisible when the border web page is displayed, see column 30, line 27 of Burch. As in claim 15, in reference to the 8 border cells, see figure 12B, which is referred to by column 25, line 63 of Burch. In reference to each border cell holding an image, see column 25, line 45 of Burch.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Brobst et al., *Apparatus and Method For Formatting a Web Page*, Patent Number 6,061,700. Burch teaches the website with the look and feel of an application program, but he doesn't note art regarding the ability to access and display a second content webpage in the inline frame. Brobst teaches a window structure similar to that of Burch. In addition Brobst teaches the ability to access and display a second content webpage in the inline frame (see page 1, line 57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the functionality to access and display a second content webpage in the inline frame. This would be seen as a beneficial in the way that like websites could be merged together to form a seamless viewing medium.

16. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora. *Method and Apparatus for Implementing Web Pages Having Master Borders*, Patent Number 6,311,196. Burch teaches the website with the look and feel of an application program, but he doesn't include display the border and content webpage in a browser, make mention to proportionately resizing the display area and the border webpage and the content webpage, or mention a computer readable

medium. With respect to claims 7 and 16, Arora includes the display of the border and content webpage in a browser (see page 1, line 57), and mentions resizing proportionally (see page 1, line 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made would include the display of the border and content webpage in a browser and a means for resizing proportionally. With regards to the displaying the border and content webpage in a browser, this would be beneficial to Burch's invention in it being an optional display means. With regards to the proportional resizing, Burch's invention would benefit from this in that it adds flexibility to his windows.

17. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora, *supra* and Cowart, Windows 3.1, Special Edition, hereinafter Cowart. Burch teaches the website with the look and feel of an application program. Aurora teaches the display of the border and content webpage in a browser (see page 1, line 57), and mentions resizing proportionally (see page 1, line 67). However neither Burch nor Aurora specifically teach the ability to resize both the height and width of the center cell, without changing the depth of the border. Cowart teaches setting the size of borders to be fixed, allowing the page to be resized, with the borders staying constant (see page 168, line 17, and figure 5.8). It would have been obvious to one of ordinary skill in the art at the time of the invention to give a browser looking like an application program this limitation. This would benefit the browser in that when one wants to resize they usually want to resize the window, not the border.

18. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Burch and Arora, supra and Arquie. Burch teaches the website with the look and feel of an application program. Arora teaches the display of the border and content webpage in a browser (see page 1, line 57), and mentions resizing proportionally (see page 1, line 67). However neither Burch nor Arora specifically teach the ability to determine if a window is resized beyond some specified point, and to have a default operation should this occur. Arquie however does teach the ability to determine if a window is resized beyond some minimum point, and has a default size to resize to should this occur (see column 7, line 19). It would have been obvious to one of ordinary skill in the art, having the teachings of Burch, Arora, and Arquie before them at the time the invention was made, to modify the web browser taught by Burch and Arora to include the ability to determine if a window is resized beyond some minimum point, and have a default size to resize to should this occur. This combination would be advantageous in that it prevents a user from making a window too small to be usable.

19. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch. Brooks teaches a website display generated by a network server receiving a request for a content webpage stored in memory accessible to the server (see column 3, line 39), and to transmit web pages to web browsers for display (see column 3, line 18). However Brooks doesn't teach a plurality of border cells, each containing an image, surrounding a center cell, containing an inline frame, the content webpage being displayed entirely within the inline frame, or the number of border cells surrounding the inline frame remaining fixed, as recited in the claims. Burch teaches a browser similar

to that of Brooks. In addition, Burch further teaches a plurality of border cells, each containing an image (see column 29, line 62 and column 30, line 10), surrounding a center cell, containing an inline frame (see column 19, line 19). With regard to the content webpage being displayed entirely within the inline frame, see column 24, lines 49-67. With regard to the number of border cells surrounding the inline frame remaining fixed, see column 25, lines 37-55 and figures 14B and 14C. It would have been obvious to one of ordinary skill in the art, having the teachings of Brooks and Burch before him at the time the invention was made, to modify the browser taught by Brooks to include the border cells and center cell of Burch. One would have been motivated to make such a combination because the use of cells in a webpage can be used to easily partition space.

20. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks and Burch supra and Brobst. Brooks teaches the ability to transmit a web pages to web browsers for display. Burch teaches a plurality of border cells, each containing an image (see column 29, line 62 and column 30, line 10), surrounding a center cell, containing an inline frame (see column 19, line 19). However neither Brooks nor Burch teach an ability to receive a second content web page. Brobst teaches a browser similar to that of Brooks and Burch. In addition, Burch further teaches the ability to transmit a second content web page (see page 1 line 57). It would have been obvious to one of ordinary skill in the art, having the teachings of Brooks, Burch and Brobst before him at the time the invention was made, to modify the browser taught by Brooks and Burch to include the ability to receive a second content web page. One would have been

motivated to make such a combination because the ability to view 2 web pages simultaneously in one screen keeps the user from flipping between two web sites to view information.

Allowable Subject Matter

21. Claims 10 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

22. The arguments filed on 11-12-2003 have been fully considered but they are not persuasive. Reasons set forth below.

23. With respect to the applicants argument, that unlike Burch, the present invention does not alter the number of table cells based upon the content provided, and that the amended claim states that the number of border cells remains fixed.

24. In response, the examiner respectfully submits that Burch does teach a fixed number of table cells. Burch teaches, in column 25, lines 38-55, figure 12B which clearly shows a fixed number of cells and is also broken down in the text.

25. With respect to the applicants argument, that unlike Burch, the present invention teaches using only a single frame to display content.

26. In response, the examiner respectfully submits that Burch does teach a single frame to display content. In the section, "Text Adornments," Burch teaches the HTML layout table that is essentially the contents of a single cell within a larger HTML layout

table (see column 24, line 50 through column 25, line 55) and gives reference to figure 12B, which the examiner cited in the office action.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


29. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

32. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

dgb



RAYMOND J. BAYER
PRIMARY EXAMINER
ART UNIT 2173